

REMARKS

In response to the final Office Action dated June 6, 2006, the following arguments are presented. Claims 95-98 remain in the case. In light of the remarks presented below, the Applicants respectfully believe that claims 95-98 are in immediate condition for allowance. Reexamination and reconsideration of the application in light of the remarks are requested.

35 U.S.C. § 112, first paragraph Rejections

The Office Action rejected claims 95-98 under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action stated that the "claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." The Office Action further stated that "[R]egarding claim 95, the Applicant is advised to clearly point out the support for the limitations specifically the predicting steps and the classifying steps (page number and line number)."

In response, the Applicants respectfully traverse these rejections. Initially, the Applicants note that they responded to the request for support for the limitations in the response filed April 10, 2006, which provided support for the limitations of the predicting and classifying steps. However, the Examiner disagreed, and stated that the "classifying step and the prediction step that the Applicant discussed in the Remarks page 5 are not the predicting steps and the classifying step claimed in claim 95. Perhaps, the Applicant provides 'ample' support for limitations discussed at page 5 of the Remarks. However, the Applicant does not provide supported for limitations as claimed in claim 95."

Support for the First Predicting Step of Claim 95

The first predicting step of claim 95 is as follows:

"predicting what value the pixel will have in a next frame of the image sequence using the list of actual history pixel values to generate a first pixel value prediction".

Support for this first predicting step is found throughout the Applicants' specification. Specifically, the method of claim 95 "provides at least two predictions of what value a particular pixel will be in the next frame" (specification, page 25, lines 7-9). The frame is part of an image sequence. Thus, one prediction, which is called a first pixel value prediction in claim 95, includes predicting what value a pixel has in the next frame. The way this first pixel value prediction makes the prediction is "based on actual past [or history] pixel values" (specification, page 25, lines 10-11). In addition, a "computation module 410 stores a list of at least two types of past pixel values. These past pixel values, which are used in the prediction calculations, include a history of actual pixel values 504 and a history of predicted pixel values 508" (specification, page 29, lines 7-10; emphasis added). Thus, it is clear that the Applicants' specification supports the first predicting step of claim 95.

Support for the Second Predicting Step of Claim 95

The second predicting step of claim 95 is as follows:

"predicting what value the pixel will have in a next frame in the image sequence using the list of predicted history pixel values to generate a second pixel value prediction".

Again, support for this second predicting step is found throughout the Applicants' specification. Specifically, the method of claim 95 "provides at least two predictions of what value a particular pixel will be in the next frame" (specification, page 25, lines 7-9). The frame is part of an image sequence. Thus, another prediction, which is called a second pixel value prediction in claim 95, includes predicting what value a pixel has in the next frame. The way this second pixel value prediction makes the prediction is "based on predicted past pixel values" (specification, page 25, lines 11-12). In addition, a "computation module 410 stores a list of at least two types of past pixel values. These

past pixel values, which are used in the prediction calculations, include a history of actual pixel values 504 and a **history of predicted pixel values** 508" (specification, page 29, lines 7-10; emphasis added). Thus, it is clear that the Applicants' specification also supports the second predicting step of claim 95.

Support for the Classifying Step of Claim 95

The classifying step of claim 95 is as follows:

"classifying the pixel as a foreground pixel if the actual value of the pixel in the next frame of the image sequence differs from any one of the first and second pixel value predictions by more than a threshold value."

Support for this classifying step is found throughout the Applicants' specification. Specifically, the method of claim 95 "stores a list of at least two types of past pixel values. These past pixel values, which are used in the prediction calculations, include a history of actual pixel values 504 and a history of predicted pixel values 508. The actual history values 504 are used in the calculation of the prediction parameters. These **calculations help predict what value a pixel** will have in subsequent frames and are **the basis for classifying the pixel** as either a foreground pixel or a background pixel" (specification, page 29, lines 7-13).

In other words, the **first and second pixel value predictions** are used as the basis of classification. These two predictions are used, "and if the **actual pixel value** is **significantly different** from any of the **predictors** the pixel is considered a foreground pixel" (specification, page 26, lines 21-23; emphasis added). Also, "[I]f the **actual value of the pixel in the next frame differs from any of its predicted values by more than a threshold value the pixel is classified as a foreground pixel**" (specification, page 27, lines 18-20; emphasis added). Thus, it is clear that the Applicants' specification supports the classifying step of claim 95.

Based on the arguments above, therefore, the Applicants respectfully submit that

there is ample support in the Applicants' specification for: (a) the first predicting step of claim 95; (b) the second predicting step of claim 95; and, (c) the classifying step of claim 95. Therefore, the Applicants request the withdrawal of the rejection of claims 95-98 under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement.

Allowable Subject Matter

The Office Action stated that claims 95-98 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C § 112, first paragraph. Based on the arguments above, the Applicants submit that the rejections have been overcome. The Applicants, therefore, respectfully submit that subject application is in condition for immediate allowance. Accordingly, the Examiner is respectfully requested to pass this subject application to issue.

In an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (805) 278-8855 if the Examiner has any comments, questions or concerns, wishes to discuss any aspect of the prosecution of this application, or desires any degree of clarification of this response.

Respectfully submitted,
Dated: August 7, 2006



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